

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF WESTERN MICHIGAN

MYRON C. GLENN, # 188376,

Plaintiff,
vs.

No. 1:19-cv-00803-JTN-SJB

TANYA LAMP,

Defendants.

DEFENDANT TANYA LAMP'S MOTION FOR SUMMARY JUDGMENT

COMES Now Defendant Tanya Lamp, by and through counsel, and for her Motion for Summary Judgment, state as follows:

1. Plaintiff initiated the instant 42 U.S.C. §1983 lawsuit against Defendants Lamp on January 30, 2018. [Doc. 1].
2. In his Complaint, Plaintiff claims that Defendant retaliated against him by filing a false misconduct report against him in response to his filing grievances, terminating him from his kitchen position. [Doc. 1].
3. This Court's Case Management Order set for discovery to close on September 1, 2020, and set the time for dispositive motions to be filed as September 29, 2020. [Doc. 15]. The date for responsive pleadings was extended to November 30, 2020. [Doc. 19].
4. Summary judgment should be granted if the depositions, affidavits, and other "materials in the record" show "there is no genuine dispute as to any material fact." FED. R. CIV. P. 56(c)(1). A "material fact" is one that affects "the outcome of the suit." *Anderson v. Liberty Lobby, Inc.*, 447 U.S. 242, 248 (1986). An

issue of material fact exists only if “the evidence is such that a reasonable jury could return a verdict for the non-moving party.” *Id.*

5. Plaintiff cannot set forth any fact evidence, opinion evidence, or witness testimony demonstrating that there was any retaliatory motive in his termination from kitchen work.

6. Further, Plaintiff failed to exhaust his administrative remedies prior to filing suit in violation of the PLRA.

7. Filed contemporaneously is Defendants’ Memorandum of Law in Support of their Motion for Summary Judgment and their Statement of Uncontroverted Material Facts, incorporated herein by this reference.

WHEREFORE, Defendant Lamp prays that this Court enter judgment in her favor and in accordance and for such other and further relief as this Court deems just and proper.

Respectfully submitted,

Date: November 30, 2020

/s/ Alexander B. Chosid

Alexander B. Chosid (MO Bar #64780)
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*Attorney for Defendant
Lamp*

CERTIFICATE OF SERVICE

I, Alexander B. Chosid, hereby certify that on this **30th day of November, 2020**, a true and accurate copy of the foregoing was electronically transmitted to the Clerk of the Court using the ECF System for filing and transmittal of a Notice of Electronic Filing to all counsel who have entered an appearance to date.

I also certify that a true and accurate copy of the foregoing was served via Federal Express, postage prepaid, upon the following:

Myron Glenn #188376
Carson City Correctional Facility
10274 Boyer Rd.
Carson City, MI 48811
Plaintiff- *pro se*

/s/ Alexander B. Chosid

Alexander B. Chosid
(MO Bar #64780)